

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, JULY 11, 2001.**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Acting Secretary

Members Absent: Walter Montgomery

Also Present: Darius Chafizadeh, Village Counsel
Joseph Elliot, Ad Hoc Planning Board Member
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Nicole Coddington & Caesar Manfredi, ECB Members
Applicants and other persons mentioned in these Minutes
Members of the Public.

**IPB Matters
Considered:**

96-35 – Robert & Katherine Mackie

Sht. 2, P-2

00-28 – Bridge Street Properties, LLC

Sht. 3, P-103

00-40 – Astor Street Associates, LLC

Sht. 7, Portion of P-25000

01-03 – John & Miriana Lubina

Sht. 10B, Bl. 229, Lot 50A

01-12 – Henry & Georgia Higbie

Sht. 15, P-119D, L

01-16 – Joseph & Denise Ciccio

Sht. 10C, Bl. 226, Lot 55B

01-23 – Peter & Emily Eccles

Sht. 13B, P-17A

01-24 – Eric & Beatrice Goldsmith

Sht. 12A, P-91D,91C,91H2,91J,91K2

01-25 – Melissa King

Sht. 7B, Bl. 249, Lot 12

01-27 – Tom Biaggi

Sht. 12B, Lot 11

01-32 – Richard & Margaret Wood

Sht. 12B, Lot 63

01-33 – Michael Gallin

Sht. 13, P-141C

01-34 – Mercy College (Informal Discussion)

Sht. 9, P-45, 46, 47

Carry-overs to August:

94-03 – Westwood Development Associates, Inc.
Sht. 10, P25J2, 25K2, Sht. 10C, Bl. 226,
Lots 25A, 26A, Sht. 11, P-25, P25J

01-22 – Arkady Selenow
Sht. 13, P-131A, 131J, 131C

01-30 – Mr. & Mrs. Henry Hall
Sht. 11, P-27J

01-31 – Vincent Anzano
Sht. 13B, P-11

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

- With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

IPB Matter #01-12:

**Application of Henry & Georgia Higbie for
Amendment of Approved Site Development Plan
for property at 4 Hudson Road East.**

Lanny Lerner, Architect, appeared for the Applicant. The Applicant had previously received Site Plan Approval from the Planning Board, with such plan showing a large ash tree to remain on the site. The Applicant presented evidence that the tree is dead. Applicant submitted: letter from Bill Nagle, Arborist, dated June 12, 2001, and excerpt of the Site Plan.

The Board agreed to modify the Site Plan Approval to permit the removal of the tree. There were no comments from Mr. Mastromonaco or the public. After further discussion, upon motion duly made and adopted, the Board approved the amended site plan.

IPB Matter #01-32:

**Application of Richard & Margaret Wood for
Site Development Plan Approval for property at
7 Manor Pond Lane.**

Joseph Eriole, Esq., appeared for the Applicant. A previous application for this property (IPB Matter #01-01) reflected proposed construction beyond the building envelope. The new Application submitted at this meeting modified the proposed construction so that there is no construction beyond the building envelope. Mr.

Mastromonaco had no comments and there were no comments from the public. Plans entitled Wood Residence by Richard Henry Behr, Architect, P.C. revised June 26, 2001, 2 sheets were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and determined that the application is for a proposed action which is a Type II Action under SEQRA. There were no comments from the public or Mr. Mastromonaco.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that 1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, 2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and 3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #01-33:

**Application of Michael Gallin for Site
Development Plan Approval for property at
55 Hamilton Road.**

Michael Gallin appeared as the Applicant. The Application relates to a proposed renovation of an existing home, including a single story addition to the east and west sides of the home. Plans submitted were: 55 Hamilton Road, dated April 12, 2001 by Michael Lewis Gallin, Architect, 13 pages. Mr. Mastromonaco had no comments and there were no comments from the public. The Environmental Conservation Board noted that the plans should reflect tree protection measures. The Board requested that the Applicant clarify on the plans the dimensions and types of trees that are to be removed and tie ribbons on such trees for inspection.

The matter was carried over to the August 8, 2001 meeting.

IPB Matter #01-23:

Application of Peter & Emily Eccles for Site Development Plan Approval for property at One Cyrus Field Road.

Fred Gottlieb, Architect, appeared for the Applicant. This matter had been carried over from the June meeting as a public hearing is required because of the property's proximity to Cyrus Field Road. The Application relates to the proposed one-story addition off of the existing kitchen and a two and one-half story addition at the rear.

The Chairman opened the public hearing. There were no comments from the public. The Chairman closed the public hearing and the Board determined that this was a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved the Board approved plans entitled: Residence of Mr. & Mrs. Peter Eccles by Ferdinand Gottlieb Associates dated June 6, 2000, revised March 21, 2001 (3 sheets).

IPB Matter #01-27:

Application of Tom Biaggi for Site Development Plan Approval for property at 59 Manor Pond Lane.

Matthew Behrens, Architect, appeared for the Applicant. The Application relates to the proposed expansion of a wood deck at the rear of the residence from 250 to 650 square feet. This matter had been carried over from the June meeting as a public hearing is required because of the property's proximity to Cyrus Field Road. The proposed improvements would not intrude into the Cyrus Field Buffer.

The Chairman opened the public hearing. There were no comments from the public. The Chairman closed the public hearing and the Board took the following action. It approved plans entitled Expanded Deck, Biaggi Residence by Matthew Behrens dated May 20, 2001 (2 sheets).

IPB Matter #01-25:

Application of Melissa King for Waiver of Site Development Plan Approval for property at 62 West Clinton Avenue.

Robert Reilly, Architect, appeared for the Applicant. The Application relates to the expansion of an existing deck and the construction of a master bedroom in existing attic space. This matter had been carried over from the June meeting pursuant to the Board's request that the Applicant provide evidence of floor coverage and height calculations to determine compliance with applicable ordinances. The Applicant has done so. Plans submitted were: Melissa King dated May 23, 2001, by Robert Reilly, Architect (3 sheets), and cellar, first floor and attic calculations (undated).

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #01-16

Application of Joseph & Denise Ciccio for Site Development Plan Approval for property at Riverview Road.

Craig Studer, Landscape Architect, appeared for the Applicant. The Application, which had been carried over from the June meeting, relates to the proposed construction of a single family home. The Applicant presented new plans, which reflect a shift in the location of the driveway. The Board noted that there remain various technical engineering issues for the Applicant to resolve with Mr. Mastromonaco. The Board set a Public Hearing on this application for August 8, 2001, subject to resolution of all outstanding engineering issues.

IPB Matter #01-03:

Application of John & Miriana Lubina for Site Development Plan Approval for property at 3 Hudson Avenue.

Anthony Schembri of Opacic Architects and Jim Ryan of John Meyer Engineering appeared for the Applicant. The Application relates to the proposed

extension of a residence and a construction of a new one-car garage. This matter had been carried over from the June meeting.

The Applicant reported that the engineers had met on site with Mr. Mastromonaco regarding effect on the flood plans, and Mr. Mastromonaco reported that he believes the proposed structure would not measurably increase flood levels.

The Applicant presented two sets of drawings, one of which shows a slightly modified placement of the garage. Plans submitted were: Two (2) sets of Plans entitled Lubina Residence of June 27, 2001 by Opacic Architects, 4 sheets, labeled Scheme A and Scheme B, and Site Plan by John Meyer Consulting revised June 27, 2001. The applicant indicated that they would proceed with Scheme B as it was less intrusive with regard to the variances that would be required.

Caesar Manfredi of the ECB questioned the Applicant regarding the flood plain and the amount of fill for the proposed driveway. The Applicant reported that they anticipate using about 6-8 inches of fill and that the coverage is about 600 square feet.

The Board set a public hearing on this Application for August 8, 2001, and the Applicant agreed to provide additional information about the potential consequences to the flood plain.

IPB Matter #00-28:

**Application of Bridge Street Properties, LLC for
Site Development Plan Approval for property at
One Bridge Street.**

John Kirkpatrick, Esq., appeared for the Applicant. The Application relates to the proposed construction of an office building at Two West Main Street.

Mr. Kirkpatrick reported that he and Village Counsel are still working on language for the Deed regarding the linkage of the parking lot on the north side of the property, to the remainder of the property.

The Applicant presented revised plans showing in particular the parking areas, the removal of additional existing buildings, a fuller survey, and parking calculations. Mr. Mastromonaco noted several comments, which the Applicant was requested to address, including that the parking spaces in the plans do not comply with the size (91/2 ft. x 20 ft.) required by the Village ordinance. Mr. Mastromonaco estimated that the plan would be deficient by 60 spaces if such required size were used. Plans entitled Two West Main Street prepared for Bridge Street Properties by Walter Sedovic Architects dated May 23, 2001, revised June 26, 2001, 7 Sheets, were submitted.

The Applicant agreed to address this issue and suggested there are several alternatives that may provide the additional required spaces, including use of the land where buildings are to be demolished.

The Board agreed to set a public hearing on this matter for August 8, 2001, subject to the Applicant's agreement to resolve outstanding engineering concerns (including parking) with Mr. Mastromonaco.

IPB Matter #96-35:

Application of Robert & Katherine Mackie for revision to Site Development Plan Approval for property at 31 Matthiessen Park.

Robert Mackie, Brian Beni, landscape architect, and Salvatore Triano, engineer, appeared for the Applicant. The Application relates to a landscape revision to a previously approved plan. Mr. Hoffman recused himself from consideration of this matter, and Mr. Elliot, ad hoc member, participated.

Mr. Mastromonaco had no engineering concerns and there were no comments from the public. The Board determined this to be a Type 2 action under SEQRA. The Board then took the following action. It approved drawing entitled Mackie Residence, Proposed Front Landscaping & Site Work Plan, prepared by Crossland Engineering, dated July 10, 2001.

IPB Matter #00-40:

Application of Astor Street Associates, LLC for Subdivision and Site Development Plan Approval for property at Astor Street.

Paul Sirignano, Esq., and Dave Barbuti, Architect, appeared for the Applicant. The Application relates to the proposed rehabilitation of the former MTA electrical substation into a residential housing development of nineteen one bedroom units, four of which would be at specified below-market rental rates.

The Applicant presented revised drawings, including modifications to the parking layout and the inclusion of mountable curbing in the rear, and confirmed that the Fire Department had reviewed the proposed turning radius for emergency vehicle access. Drawings submitted were: Site & Utility Plan, Astor Street, prepared by Murray Fleishman, dated 5/25/01 last revised 6/26/01, and Proposed Dwelling Units for Astor Street Associates, LLC, prepared by David Barbuti, Architect, last revised 6/20/01 (8 sheets), and Topographic Map, prepared by Eliot Senor, P.C., dated 10/18/00 last revised 6/26/01.

The Applicant showed that the revised plans provide for 18 parking spaces on site, four short of the number required by applicable ordinances. The Applicant is seeking additional spaces in the Metro-North parking lot, which may necessitate a variance from the Zoning Board of Appeals.

The Board questioned the Applicant about the retaining wall, which is expected to be about 12 ft. – 14 ft. high. The Board requested the following information:

- engineering details on the retaining walls
- copies of all agreements with Metro-North, and
- copies of sewer and water easements over the Trent property.

This matter was carried over to the August 8th meeting.

IPB Matter #01-34:

Application of Mercy College for Informal Discussion regarding Maher Hall, Hudson Road West.

Colleen Magliari, Director of Government & Community Relations, James Hofgartner, Central Maintenance, and Thomas Haynes, Architect, appeared for Mercy College. The Application relates to a request for approval of a proposed use of Maher Hall on Hudson Road West, as a radio station along with the associated studio and classrooms. Mr. Hoffman recused himself from consideration of this matter, and Mr. Elliot, ad hoc member, participated.

The materials submitted by Mercy College indicate that the building will be used for a radio station, to be operated 24 hours each day as required by the FCC, and classrooms for training in media-related careers. Drawings submitted were: Proposed Renovation for Mercy College Radio Station, prepared by Thomas Haynes, Architect, dated June 12, 2001, 4 sheets.

The issue is whether or not the proposed use is allowed under the applicable Special Permit. The Board noted that the Special Permit does not permit student activities or classroom activities within buildings located on the Irvington portion of the campus, and in the subject building and requires that any permitted activities cease at 11:00 pm until 8:00 am the next morning. Accordingly the Board advised the Applicant that, absent an amendment to the Special Permit (which would require public hearings), the proposed use is not permitted. No further action was taken on this matter.

IPB Matter #01-24:

Application of Eric & Beatrice Goldsmith for Site Development Plan Approval for property At 73 Havemeyer Road.

Michael Esmay, architect, appeared for the Applicant. The Application relates to the proposed construction of a garage and an addition of approximately 1,540 square feet. This matter had been carried over from the June meeting.

The Applicant submitted a letter from Donald Casadone, Assistant Superintendent of Public Works, dated June 11, 2001, confirming that the property is more than 100 feet from the nearest Village sewer. The Applicant presented evidence that the County Health Department has no objection to the proposed addition of a bedroom with the existing septic system.

The Board noted that the drive, which provides access to adjoining property, falls under the Zoning Code definition of a street, which would dictate the manner of measuring setbacks. The Applicant presented a copy of the driveway easement, which was given to Counsel for review.

The Board advised the Applicant to confer with the Building Inspector regarding whether or not a front yard or side yard variance may be required, and the Applicant may elect to seek a Zoning variance pending final action by the Planning Board. The matter was carried over to the August 8th meeting.

The Chairman reported receipt of a letter from Alayne Katz, a member of the Fieldpoint Homeowners Association, objecting to the proposed construction of a paved roadway as the emergency access over Irvington High School property to Link Road. A copy of the June 26, 2001 letter is filed with these Minutes. The Chairman noted that the Planning Board has no jurisdiction over the school property, which is the province of the School Board and the State Department of Education.

The Board then considered the following administrative matters:

- The next regular meeting of the Planning Board was scheduled for August 8, 2001.
- The Minutes of May 2, 2001 and June 6, 2001 were approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Secretary